

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Daniel Colabella, Utilities Director, 954-433-4000

SUBJECT: Resolution

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING REIMBURSEMENT FOR COSTS INCURRED FOR THE FERNCREST UTILITY/Ryder LIFT STATION PURSUANT TO AGREEMENT OF COMPROMISE AND SETTLEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The prior Town Attorney's Office and a prior Administration negotiated an Agreement of Compromise and Settlement resolving Circuit Court Case Numbers 85-003046-CT and 93-07986(30). Pursuant to Resolution R-93-203, the Town Officials executed the Agreement of Compromise and Settlement. According to the Agreement of Compromise and Settlement, the Town is obligated to reimburse the Plaintiffs for their costs and expense of constructing all off site utility improvements for lift stations or primary transmission lines, up to a maximum total amount of \$450,000./00. The request for reimbursement in the amount of \$103,747.04 for costs is the first requested installment for reimbursement from the \$450,000.00. The Plaintiffs' attorney provided backup material in support of his request and said backup material has been reviewed for accuracy by the Town Staff. The Agreement entered into by the Town with the Plaintiffs requires payment of said reimbursable costs.

PREVIOUS ACTIONS: Resolution R-93-201 authorizing the Mayor and other appropriate Town officials to execute the Agreement of Compromise and Settlement.

CONCURRENCES: N/A

FISCAL IMPACT: \$103,747.04

Has request been budgeted?	Yes, budgeted per Agreement of Compromise and Settlement
Account Name: Utilities Capital Outlay (040-1058-536-6400)	

RECOMMENDATION(S): Motion to approve the Resolution

Attachment(s): Resolution

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE REIMBURSEMENT OF COSTS INCURRED FOR THE FERNCREST UTILITY/RYDER LIFT STATION PURSUANT TO AGREEMENT OF COMPROMISE AND SETTLEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie entered into an Agreement of Compromise and Settlement resolving Circuit Court Case Numbers 85-003046-CT and 93-07986 (03), pursuant to Resolution R-93-203; and

WHEREAS, pursuant to said Agreement of Compromise and Settlement resolving the disputes between the Hamilton M. and Blanche C. Forman Christian Foundation, et al and the Town of Davie, it was agreed that the Town would reimburse the Plaintiffs for costs incurred for the Ferncrest Utility/Ryder Lift Station; and

WHEREAS, the Agreement of Compromise and Settlement entered into by the parties on September 1, 1993 provided in part that "With regard to all of the lands in Exhibit "B", the parties agree that as full settlement and compromise of the Town's alleged obligation to construct or to reimburse the Plaintiffs for their costs and expenses of constructing all off site utility improvements for lift stations or primary transmission lines, the Town will reimburse the Plaintiffs for such improvements which they install from the date of this clarification forward, up to a maximum total amount of Four Hundred Fifty Thousand Dollars (\$450,000.00)."; and

WHEREAS, the Plaintiffs' attorney has forwarded a cost breakdown and backup material to the Town requesting reimbursement in the amount of \$103,747.04 which said cost breakdown and backup material has been reviewed by the Utilities Department and the Finance Department for accuracy and this is the first such requested installment for reimbursement for any portion of the \$450,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie hereby agrees to reimburse the Plaintiffs, Hamilton M. and Blanche C. Forman Christian Foundation, et al the sum of \$103,747.04 for costs incurred for the Ferncrest Utility/Ryder Lift Station.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.